

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON APPLE COMMISSION, a
Washington corporation,

Plaintiff,

v.

CASUAL INDUSTREES LLC, a Washington
limited liability company,

Defendant.

No. 2:12-cv-02185-RAJ

CONSENT JUDGMENT

In accordance with the court's order granting the parties' stipulation to enter a consent judgment, the court enters judgment for Plaintiff as follows:

It is hereby ordered, adjudged, and decreed:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Effective immediately, Defendant, its officers, agents, servants, and employees, and other persons who are in active concert or participation with them, are hereby permanently enjoined and restrained from sale of any goods bearing the depiction shown in ¶ 19 of the Complaint. In particular, Defendant shall not use the Apple Trademark as shown in U.S. Trademark Registration No. 1,294,529 (the "Apple Trademark"), the depiction shown in ¶ 19 of the Complaint, or any mark or depiction confusingly similar thereto on clothing, including t-shirts, jackets, hats, and sweatshirts, or on any accessories, including stickers, bags, water bottles, glasses or lanyards.

1 3. Within fourteen (14) days of entry of this Consent Judgment, Defendant shall
2 deliver its entire remaining inventory of product containing the depiction shown in ¶ 19 of the
3 Complaint, to Plaintiff for destruction or other appropriate non-sale disposition.

4 4. Within fourteen (14) days of entry of this Consent Judgment, Defendant shall
5 confirm by written notice to Plaintiff that it has contacted its customers requesting that they
6 return to Defendant any unsold inventory of product containing the depiction shown in ¶ 19 of
7 the Complaint. The written notice to Plaintiff shall identify the customers contacted to request
8 return of unsold inventory and the date on which Defendant contacted them. Upon receipt of
9 product returns from its customers, Defendant shall promptly deliver the product returns to
10 Plaintiff for destruction or other appropriate non-sale disposition.

11 5. Within fourteen (14) days of entry of this Consent Judgment, Defendant shall pay
12 Plaintiff the sum of ten thousand dollars (\$10,000) in full satisfaction of all claims in this
13 Action.

14 6. This Court shall retain jurisdiction over the subject matter and parties for the
15 purpose of enforcing this judgment.

16 DATED this 12th day of February, 2013.

17 

18 The Honorable Richard A. Jones
19 United States District Court Judge

20 Presented by:

21 Davis Wright Tremaine LLP
22 Attorneys for Plaintiff Washington Apple Commission

23 By _____
24 Stuart R. Dunwoody, WSBA #13948
25 Cindy L. Caditz, WSBA #16701

26 1201 Third Avenue, Suite 2200
27 Seattle, WA 98101-3045
Tel: (206) 622-3150
Fax: (206) 757-7700
Email: stuartdunwoody@dwt.com
Email: cindycaditz@dwt.com